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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,773	10/09/2001	Toshihiko Kano	9319S-000280	6904

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

BAHTA, KIDEST

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 05/06/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,773

Applicant(s)

KANO ET AL.

Examiner

Kidest Bahta

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-23 rejected under 35 U.S.C. 102(b) as being anticipated by Trefethan et al. (U. S. Patent 5,960,405).

Regarding claims 1, 15 and 17, Trefethan discloses an order-receiving/manufacturing system for receiving an order for an oscillator and manufacturing the oscillator according to a specification required by a user (abstract) comprising: a business center server (70, i.e., centralized order process center) adapted to receive, via network from a user terminal (column 5, lines 39-43; column 6, lines 35-40), order data including a desired oscillation frequency (column 5, lines 64-67) and user data including a destination of the oscillator for the user (column 2, lines 22-24, column 6, lines 8-11), and adapted to select, among control-data writing apparatuses in a plurality of places (column 2, lines 12-33, i.e., the control-data writing apparatuses is same as programming centers 90), the control-data writing apparatus installed in the place most suitable for receiving the order for the oscillator based on the order data or the user data (column 5, lines 39-56), and adapted to the order and user data to the selected control-data writing apparatus (column 2, lines 8-33); and the control-data writing apparatus adapted to generate control data from the received order data for an

oscillator which oscillated in accordance with the control data written into the oscillator (column 3, lines 14-27; column 4, lines 29-45; column 5, lines 50-67; Fig. 1- Fig. 3; i.e., oscillator 20 includes a pair of load circuits 46 and 48 that is programmed, in necessarily to adjust the capacitive loading on crystal 30 and in turn, pull the clock signal frequency in to range of frequencies conducive to optimal programming of crystal oscillator 20), and adapted to write the control data into the oscillator (Fig1; i.e., programming data is entered via dedicated program terminal 22 ... when programmable crystal oscillator 20 is programmed by the programming data, it produces a clock signal output on terminal 26 of a programming frequency conforming to a customer specification).

Regarding claims 2-4 and 16, Trefethan discloses the order data comprises marking data indicating at least one of characters, graphics or patterns to be marked on the surface of the oscillator (column 7, lines 13-21), the characters, graphics or patterns are marked on the surface of the oscillator based on the marking data by a marking device disposed adjacent to the control-data writing apparatus (Fig. 5); the marking data comprises print (131) and carving (inscription) data (column 6, line 66 - column 7, line 6); and the marking device comprises a printer (132) and carving device (126).

Regarding claims 5 and 18, Trefethan discloses the business center server informs a delivery data of the oscillator to a user terminal based on delivery information of the selected control-data writing apparatus (column 5, lines 45-63; column 6, lines 8-18; Fig. 4).

Regarding claims 6 and 19, Trefethan discloses the delivery information comprises a distance between the selected control-data writing apparatus and

destination of the oscillator (column 2, lines 16, lines 23-33; column 5, lines 49-53; i.e., ...taking into consideration programming center location relative to customer delivery site), the number of oscillators prepared for the control-data writing apparatus (column 7, lines 15-21) or delivery cost.

Regarding claims 7 and 20, Trefethan discloses the business center server determines based on the order data including the oscillation frequency whether it is possible to manufacture the oscillator, which generates the oscillation frequency, requires by the user (column 5, line 45 to column 6, line 7).

Regarding claims 8-9 and 21-22, Trefethan discloses the business center server comprises storage means for storing the number of oscillators into which the control data is to be written, and which are prepared for each of the control-data writing apparatuses and the business center performs stock management for the oscillators (column 6, lines 35-65, it is inherent that business center 70 have storage to store the customer data and stock or inventory) and storage means for sequentially storing and updating the order data and user data, and performs customer management (Fig. 6; column 6, lines 8-18).

Regarding claims 10-14, Trefethan discloses the order data comprises data including configuration (column 5, line 66) or material of the oscillator, a function of indicating a waveform status when the oscillator is activated to output the oscillation frequency (column 6, 58-61; column 9, lines 7-12; claim 7), a power supply voltage (column 6, lines 60-61), temperature frequency stability (column 10, lines 51-54, i.e.,

temperature-compensated, TCXOs) the number of oscillator to be ordered (column 6, line 45-47).

Regarding claim 23, Trefethan discloses a control-data writing apparatus installed in each office and provided with a function of receiving order data, for generating control data at least from the order data for an oscillator which oscillates in accordance with the control data written into the oscillator, and for writing the control data into the oscillator, the control-data writing apparatus being used for an oscillator comprises: variable capacitor means for outputting a reference signal of a reference oscillation frequency obtained by adjusting a resonance frequency of a piezoelectric resonator (column 4, lines 36-46); frequency control means (42) for acquiring an output frequency by dividing and/or multiplying the frequency of the reference signal (column 4, lines 47-59, Fig. 2 and Fig. 3); and a memory (element 50, column 8, lines 34-41) for storing control data of the variable capacitor means (column 4, lines 36-42) and the frequency control means (column 53-65, column 9; lines 23-22-40; Fig. 6), the control data writing apparatus including: an oscillator connecting unit (120, place in position) for connecting a terminal of the oscillator (column 7, lines 31-34) a characteristic-data generating characteristic data including at least a desired oscillation frequency, which is a target frequency of the oscillator, from the received order data (column 7, line 50 to column 8, line 4; column 8, lines 48-52); first and second control data generator (46 and 48; i.e., programmable load); for generating first and second data for controlling the frequency control means to acquire the target oscillation frequency in relation to the reference oscillation frequency and the variable capacitor means to acquire the

reference oscillation frequency in relation to the resonance frequency of the piezoelectric resonator (column 4, lines 29-46) respectively; and a data writing controller for writing the first and second control data into the memory (column 8, lines 53-65).

Response to Arguments

3. Applicant's arguments filed March 24, 2004 have been fully considered but they are not persuasive.

Regarding independent claims 1, 15, 17 and 23, applicants argue that in Trefethan fails to disclose direct orders through a network from "a user terminal" However, the examiner disagrees since Trefethan discloses that direct orders through a network from "a user terminal" (column 6, lines 26-41; i.e., a work order 118, generated from a customer order, is entered into the computer, either directly as communicated from the centralized order processing center70).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

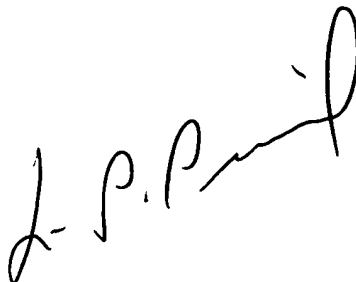
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (703) 308-6103. The examiner can normally be reached on M-F from 7:30 a.m. to 4:00 p.m. EST. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (703) 308-0538. Additionally, the fax phone for Art Unit 2125 is (703) 308-6306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta

May 3, 2004



**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**